

**MILMAN LABUDA LAW GROUP PLLC**

3000 MARCUS AVENUE  
SUITE 3W8  
LAKE SUCCESS, NY 11042  
(516) 328-8899  
(516) 328-0082

Author: Jamie S. Felsen - Member  
Direct E-Mail Address: [jamie@mllaborlaw.com](mailto:jamie@mllaborlaw.com)  
Direct Dial: (516) 303-1391

August 11, 2021

**VIA ECF**

Eric N. Vitaliano, U.S.D.J.  
United States District Court Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201-1804

**Re: U.S. Equal Employment Opportunity Commission v.  
Stardust Diners, Inc. d/b/a Colony Diner  
Case No.: 2:21-CV-03122 (ENV) (ARL)**

Dear Judge Vitaliano:

This firm represents Defendant, Stardust Diners, Inc. d/b/a Colony Diner (hereinafter “Defendant” or “Stardust”) in the above referenced case.

In light of the representation by Plaintiff, EEOC, in opposition to Defendant’s request for a pre-motion conference (ECF Doc. No. 9), that all of the aggrieved women for whom the EEOC seeks relief in this action will be identified by the EEOC in the discovery process, including identifying them in its initial disclosures, Defendant will withdraw its request to file a motion to dismiss without prejudice.

Counsel for the parties have agreed that Defendant will file its Answer on or before September 10, 2021 and the parties will exchange initial disclosures 14 days after the Answer is filed. Defendant respectfully requests that the Court so order this agreement.

**MILMAN LABUDA LAW GROUP PLLC**

\_\_\_\_\_  
/s  
Jamie S. Felsen, Esq.  
Kyle F. Monaghan, Esq.  
3000 Marcus Avenue, Suite 3W8  
Lake Success, NY 11042-1073  
(516) 328-8899 (telephone)  
(516) 328-0082 (facsimile)  
[jamiefelsen@mllaborlaw.com](mailto:jamiefelsen@mllaborlaw.com)  
[kyle@mllaborlaw.com](mailto:kyle@mllaborlaw.com)

cc: All counsel of record (via ECF)